

Jennifer S. Clark
Assistant U.S. Attorney
U.S. Attorney's Office
P.O. Box 8329
Missoula, MT 59807
105 E. Pine, 2d Floor
Missoula, MT 59802
Phone: (406) 542-8851
FAX: (406) 542-1476
Email: Jennifer.Clark2@usdoj.gov

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,	CR 21-28-BU-DLC
Plaintiff,	OFFER OF PROOF IN SUPPORT
vs.	OF GUILTY PLEA
TAYLOR WIND SET, aka Warren Taylor Winsett,	
Defendant.	

The United States of America, represented by Assistant United States Attorney Jennifer S. Clark, files its offer of proof in anticipation of the change of plea hearing.

THE CHARGES

The defendant, Taylor Wind Set, is charged by indictment in with prohibited person in possession of firearms and ammunition, in violation of 18 U.S.C. § 922(g)(1).

PLEA AGREEMENT

There is a plea agreement in this case. The defendant will enter a voluntary plea of guilty to Count I of the indictment. The United States presented all formal plea offers to the defendant in writing. In the government's view, the plea agreement entered into by the parties and filed with the Court represents the most favorable offer extended to the defendant. *See, e.g., Missouri v. Frye*, 132 S. Ct. 1399 (2012).

ELEMENTS

In order to prove the charge contained in the indictment against the defendant at trial, the United States would have to prove the following elements beyond a reasonable doubt.

First, the defendant knowingly possessed firearms or ammunition;

Second, the firearms and ammunition had been shipped and transported from one state to another;

Third, at the time the defendant possessed the firearms or ammunition, the defendant had been convicted of a crime punishable by imprisonment for a term exceeding one year; and

Fourth, at the time the defendant possessed the firearms or ammunition, the defendant knew he had been convicted of a crime punishable by imprisonment for a term exceeding one year.

PENALTY

The indictment charges the crime of prohibited person in possession of firearms and ammunition. This offense carries a up to ten years imprisonment, a \$250,000 fine, three years supervised release, and a \$100.00 special assessment.

ANTICIPATED EVIDENCE

If called upon to prove this case at trial, and to provide a factual basis for the defendant's plea, the United States would present, by way of testimony of law enforcement officers, lay and expert witnesses and physical evidence the following:

On August 8, 2020, Forest Service law enforcement responded to an altercation in the area of North Meadow Creek in Madison County, Montana. Officer Noah Pieprzyca interviewed the parties involved. It was alleged that someone fired a gun near Taylor Wind Set's camper. The investigation revealed that Wind Set had a federal conviction for prohibited person in possession of

firearms. Witnesses confirmed that Wind Set has been in possession of firearms in 2020. A search warrant was obtained and served on Wind Set's camper and his residence in Ennis, Montana. Law enforcement recovered a Kimber model Custom II pistol, and Smith and Wesson model M&P 15 rifle, a Stoeger model P3000 shotgun, a J. Stevens/Savage model Springfield 187J rifle, a Remington model 770 bolt action rifle, and assorted ammunition. ATF SA Wozniak determined that none of the firearms were manufactured in Montana and therefore traveled in interstate commerce.

The government submits that the aforementioned evidence would prove beyond a reasonable doubt all the elements of the crime charged in the indictment.

Respectfully submitted this 22nd day of November, 2021.

LEIF M. JOHNSON
United States Attorney

/s/ Jennifer S. Clark
Assistant U.S. Attorney
Attorney for Plaintiff